REMARKS

In the non-final Office Action mailed May 4, 2006, the Examiner rejected claims 17-26 under nonstatutory double-patenting as not patentably distinct from claims 1-7 of U.S. Patent No. 6,735,640 to *Kawabe*; rejected claims 17, 19, 20, 23, 24 and 26 under 35 U.S.C. § 102(e) as being antipated by U.S. Patent No. 6,532,512 to *Torii et al.* ("*Torii*"); and rejected claims 18, 21, 22, and 25 under 35 U.S.C. § 103(a) as being unpatentable over *Torii* in view of U.S. Patent No. 6,005,789 to *Lee*.

By this Amendment, Applicant amends claims 17, 19, 20, 22, and 24; cancels claims 18, 21, 23, and 25; and adds new claims 27 and 28. Claims 17, 19, 20, and 24, are amended to further clarify the previously claimed subject matter. Support for these changes may be found in the specification at, for example, page 3, lines 23-27; pages 8, line 11 to page 9, line 19; and Figures 2-5. Claims 18, 21, 23, and 25 are cancelled without prejudice or disclaimer of the subject matter recited therein. Claims 27 and 28 are added to capture additional subject matter of the Applicant's invention.

Claims 17, 19, 20, 22, 24 and 26-28 are now pending in this application.

Nonstatutory Double Patenting Rejection

While Applicant does not acquiesce in the double patenting rejection, submitted concurrently herewith is a Terminal Disclaimer, which renders the double patenting rejection moot.[1] The attached Terminal Disclaimer is effective with respect to any

[1] In accordance with the Manual of Patent Examining Procedure, the filing of a Terminal Disclaimer "is not an admission of the propriety of the rejection." (MPEP § 804.02.II).

terminal part of any patent granted on the present application that would extend beyond the full statutory term of U.S. Patent No. 6,735,640. Accordingly, Applicant requests entry of the Terminal Disclaimer and withdrawal of the double patenting rejection.

Rejection Under 35 U.S.C. § 102(e)

Applicant respectfully traverses the rejection of claims 17, 19, 20, 24 and 26 under 35 U.S.C. § 102(e) as being anticipated by *Torii.* (Office Action, p. 2.) In order for *Torii* to anticipate Applicant's claimed invention under Section 102(e), each and every element of the claim in issue must be found, either expressly described or under principles of inherency, in the reference. Further, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." (*See* M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.* , 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).)

Torii apparently discloses a display device 11 which is coupled to a first or second computer 2 via upstream terminals 3 and video and sync. signal-input-terminals 12. (Col. 4 lines 28-30, Fig. 1.) A user may select the first computer 2 using selector 6, which causes the first computer 2 to be coupled to a USB hub section 4 via a first circuit switch 5. (Col. 4, lines 35-41.) At the same time, a second switch circuit 14 couples the first computer 2 to a video display circuit 13. (*Id.*) Additionally, *Torii* appears to teach that display device 11 selects a display screen based on the sync. signal from an

active one of computers 2 and, at the same time, couples the active computer to the USB hub section 4. (Col. 2, lines 51-55.)

Torii, however, does not disclose "one of the first mode and the second mode is selected in accordance with detection of a connection of the other device, and the second mode is set when the other device is connected to the terminal" (emphasis added), as recited in claim 17. Since *Torii* does not to disclose, at least, these features of claim 17, the reference fails to anticipate claim 17 under 35 U.S.C § 102(e). Applicant, therefore, respectfully requests that the Examiner withdraw the rejection and allow independent claim 17, as well as claim 19 and new claim 27, which are also allowable at least due to their dependence from claim 17.

Amended independent claims 20 and 24 recite features similar to those of claim 17. For example, claim 20 recites "setting the second mode upon the detection of the connection of the other device to the computer system" (emphasis added). Accordingly, for the same reasons as discussed above in regard to claim 17, *Torii* also fails to anticipate claims 20 and 24 under 35 U.S.C. §102(e). Likewise, *Torii* does not anticipate claim 26 and new claim 28, at least due to these claims' corresponding dependence from claims 20 and 24. The rejection of claim 23 is rendered moot by its cancellation.

Applicant additionally notes that each of independent claims 17, 20, and 24 have been amended to include the limitations of cancelled claims 18 or 25. In view of the rejection of claims 18 and 25 under 35 U.S.C. § 103(a) as unpatentable over *Torii* and

Lee, Applicant additionally asserts that *Lee* does not overcome the above-noted deficiencies of *Torii* such that independent claims 17, 20, and 24, and their dependent claims 19 and 26-28, are patentable over *Torii* and *Lee*.

More particularly, *Lee* teaches a computer system which utilizes the display power management signaling (DPMS) standard and is capable of managing the power supplied to respective sections of the computer based on the state of the use of the computer system. The computer system selectively outputs horizontal and vertical synchronizing signals in accordance with a power supply mode in accordance with the display power management signaling (DPMS) standard. (Col. 2, lines 25-30). Additionally, it seems that *Lee* teaches a display monitor apparatus which may be operated in a power-on mode if both types of synchronizing signals are supplied from a host. In the power-on mode, a high level of electrical power is supplied to a display monitor apparatus, such that full operational use of the display monitor apparatus is possible. (Col. 1, lines 60-65). *Lee*, however, is silent as to "one of the first mode and the second mode is selected in accordance with detection of a connection of the other device, and the second mode is set when the other device is connected to the terminal," as recited, for example, in claim 17. Accordingly, *Lee* fails to overcome the above-noted deficiencies of *Torii*.

Rejection Under 35 U.S.C. § 103(a).

By this amendment, claims 18, 21, and 25 are cancelled. Accordingly, the rejection of claims 18, 21, and 25 under U.S.C. § 103(a) as unpatentable over *Torii* in view *Lee* is moot. With respect to the rejection of claim 22 under Section 103(a), Applicant submits claim 22 is patentable over *Torii* and *Lee* at least due to its dependence from claim 20, for the reasons explained above.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant submits that the claimed invention is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant, therefore, requests the Examiner's reconsideration and reexamination of the application, and the timely allowance of claims 17, 19, 20, 22, 24 and 26-28.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: August 4, 2006

By: _____
Steven L. Ashburn
Reg. No. 56,636